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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,281	10/12/2004	Graham Edward Thoms	57751US005	1836
32692	7590	02/23/2006	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			GRAY, LINDA LAMEY	
			ART UNIT	PAPER NUMBER
			1734	
DATE MAILED: 02/23/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/511,281

Applicant(s)

THOMS ET AL.

Examiner

Linda L. Gray

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004 and 07 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16 is/are allowed.
- 6) ☒ Claim(s) 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Detailed Action

Claim Rejections - 35 USC 112

- 1.** The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 2. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.**

Allowable Subject Matter

- 3. Claims 1-16 are allowed.**

- 4.** The following is a statement of reasons for the indication of allowable subject matter:

claim 1, Hofe (US 3,607,537) teaches a device (Figs 2A, 2B) capable of creating labels from web W having adhesive side 11 and a non-adhesive side (c 1, L 70, to c 2, L 21). The device includes the following: (a) a web transporter system capable of transporting web W from web source 32 along a web path to a web path end where the web transporter system includes many items including rolls 36 and 38; (b) label transporter 73 capable of transporting a generated label along a label path; (c) cutter 39 positioned between the web path end and the label path, cutter 39 being adapted to cut web W to thereby generate the label; (d) movable holding member 71 adapted to selectively hold web W by engaging side 11 of web W thereby causing web W to stick to member 71 in use (c 3, L 7-27; c 5, L 10-39); and (e) a control system adapted to (x) generate a label by causing the member 71 to engage web W provided at the web path end, to move from the web path end to the label path thereby causing a label to move from the web path to the label path, and to release web W in that the label is cut from web W and moved with member 71 and then released by member 71 to system 73 (c 5, L 10-27) and to (y) cause cutter 39 to cut web W to generate the label (c 4, L 17-20) where the system includes shaft 61 which operates cutter 39 and member 71 (Figs 2A, 2B).

However, for claim 1, Hofe does not teach that when member 71 moves from the web path end to the label path to causes web W to extend from the web path to the label path and it would not have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided for such in Hofe because member 71 moves from the web path end to the label path thereby causing a cut label to move from the web path to the label path; also,

Hofe does not teach that member 71 releases web W in that the label is cut from web W and moved with member 71 and then the label is released by member 71 to system 73;

claim 1, Bekker-Madsen teaches a device (Fig 1) capable of creating labels 60 from web 2. The device includes the following: (a) a web transporter system capable of transporting web 2 from web source 1 along a web path to a web path end where the web transporter system includes many items including rolls 2 and 6; (b) label transporter 30 capable of transporting generated label 60 along a label path; (c) cutter 22 positioned between the web path end and the label path, cutter 22 being adapted to cut web 2 to thereby generate label 60; (d) holding member 26 adapted to hold web W by the tip (Fig 1) engaging the bottom side of web 2; and (e) a control system adapted to (x) generate label 60 by causing the web 2 engage member 26 provided at the web path end and to (y) cause cutter 22 to cut web 2 extending from the web path end to the label path to generate label 60 (c 2-4).

However, for claim 1, Bekker-Madsen does not teach that web 2 includes a bottom adhesive side in that adhesive is applied to label 60 via item 78; that member 26 is adapted to selectively hold web 2 by the engaging thereby causing web 2 to stick to member 26 in that member 26 merely acts as a sliding support surface for moving thereacross via endless belt 27; and that member 26 moves from the web path end to the label path causing the extension of web 2 from the web path end to the label path in the member 26 is stationary; and

claim 1, Nash (US 5,674,345) teaches device 10 (Fig 1) capable of creating labels L from web 15 having adhesive side 13 and non-adhesive side 14. Device 10 includes the following: (a) a web transporter system capable of transporting web 15 from web source 11 along a web path to a web path end where the web transporter system includes many items including rolls 16 and 18; (b) label transporter 30 capable of transporting a generated label along a label path; (c) cutter 27 positioned between the web path end and the label path, cutter 27 being adapted to cut web 15 to thereby generate the label; (d) movable holding member 21 adapted to selectively hold web 15 by engaging side 14 of web 15; and (e) a control system adapted to (x) generate a label by causing the member 21 to engage web 15 provided at the web path end, move from the web path end to the label path causing a cut label to move from the web path to the label path and to (y) cause cutter 27 to cut web 15 to generate the label.

However, for claim 1, Nash does not teach that when member 21 moves from the web path end to the label path to causes web 15 to extend from the web path to the label path and it would not have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided for such in Nash because member 21 moves from the web path end to the label path thereby causing a label to move from the web path to the label path; also, Nash does not teach that member 21 releases web 15 in that the label is cut from web 15 and moved with member 21 and then the label is released by member 21 to system 30; and, Nash does not teach the member 21 engages side 13 of web 15 in that member 21 selectively engages side 14.

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5. As allowable subject matter has been indicated, Applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See CFR 1.111(b) and MPEP 707.07(a).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Gray whose telephone number is (571) 272-1228. The examiner can normally be reached Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla, can be reached at (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public Pair. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-1997 (toll-free).

llg 
February 21, 2006


LINDA GRAY
PRIMARY EXAMINER